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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3537 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

VITHALBHAI P. DECEASED BY HEIRMANIBEN WD/O. V. PARSOTTAMBHAI

Versus

STATE OF GUJARAT

Appearance:

MR PJ VYAS for Petitioners

MR VM PANCHOLI, AGP for Respondent No. 1 & 2

MR MM JADEJA for Respondent No. 3 to 7

MR SB VAKIL for Respondent No. 8 to 42

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 17/06/1999

ORAL JUDGEMENT

Heard Mr P.J. Vyas, learned counsel for the
petitioners, Mr VM Pancholi, learned AGP for respondent
Nos. 1 and 2 and Mr SB Vakil and Mr Kapadia, learned
counsel for respondent Nos. 8 to 42.

2. The petitioners have challenged the order passed

by the competent authority and the order passed by the Tribunal under the provisions of the Urban Land (Ceiling & Regulation) Act, 1976. The authorities have not taken possession of the land in question from the petitioners, which fact is not in dispute.

3. The Urban Land (Ceiling & Regulation) Act, 1976 has been repealed by the Urban Land (Ceiling & Regulation) Repeal Act, 1999, as adopted by the Gujarat State Legislative Assembly as per the resolution dated 30th March, 1999, passed under Article 252 (2) of the Constitution. In view of the provisions of the aforesaid Repeal Act, 1999, the orders impugned in the present petition do not survive and all the proceedings under the Urban Land (Ceiling & Regulation) Act, 1976 in respect of the land in question as well as the present petition have abated.

4. The petition is accordingly disposed of as having abated. There shall be no order as to costs.

June 17, 1999 (M.S. Shah, J.)

sundar/-